

### **Remarks**

Claims 1-45 are pending in this application with claims 23-37 withdrawn from consideration. By this amendment, claims 1-19, 23-40 and 44 are cancelled. Claims 20, 21, 41 and 45 are amended so as to be rewritten in independent form as such claims were merely "objected to" by the Examiner. After entry of this amendment, claims 20-22, 41-43 and 45 will be pending.

#### ***I. Claim Rejections - 35 U.S.C. § 102(b)***

Claims 1 and 38 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,159,831 (Thrush). While Applicants disagree with the allegations of this rejection, claims 1 and 38 have been cancelled without prejudice or disclaimer to place the application in condition for immediate allowance.

Claims 1-3 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by "Nanostructure of the Amorphous Films of Glass Forming Chalcogenide Compounds" (D'yakonenko). While Applicants disagree with the allegations of this rejection, claims 1-3 have been cancelled without prejudice or disclaimer to place the application in condition for immediate allowance.

Claims 39, 40 and 44 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,310,669 (Richmond). While Applicants disagree with the allegations of this rejection, claims 39, 40 and 44 have been cancelled without prejudice or disclaimer to place the application in condition for immediate allowance.

#### ***II. Claim Rejections - 35 U.S.C. § 103(a)***

Claims 6-13, 15-17 and 38 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Thrush in view of U.S. Patent No. 5,298,295 (Winter). While Applicants disagree with the allegations of this rejection, claims 6-13, 15-17 and 38 have been cancelled without prejudice or disclaimer to place the application in condition for immediate allowance.

Claims 2-5 and 18-19 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Thrush in view of Winter and the admitted state of the art. While Applicants disagree with

the allegations of this rejection, claims 2-5 and 18-19 have been cancelled without prejudice or disclaimer to place the application in condition for immediate allowance.

**III. Allowable Subject Matter**

Applicants acknowledge with appreciation the Examiner's indication that claims 20-22, 40-43 and 45 would be allowable if rewritten in independent form. Applicants believe that these claims should be allowable as presented, but to place the application in condition for immediate allowance, claims 20, 21, 41, 42 and 45 have been rewritten in independent form. Claims 22 and 43 depend from claims 21 and 42, respectively, and, therefore, also should be allowable.

**IV. Conclusion**

Applicants submit that the application is in condition for immediate allowance. If any further details remain to be addressed, Examiner Turocy is invited to contact Applicant's representative by telephone at the number listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



---

Ted W. Baker

Registration No. 53,961

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 228-9446